TRANS-6/28/06 06-R-1438

A SUBSTITUTE RESOLUTION BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CSX TRANSPORTATION INC., ON BEHALF OF THE DEPARTMENT OF AVIATION, FOR CONSTRUCTION BY CITY CONTRACTORS OF CAPITAL IMPROVEMENT PROJECTS WHICH ENCROACH UPON CSX TRANSPORTATION, INC. RIGHTS OF WAY; AND TO EXECUTE PERMANENT EASEMENTS FOR CAPITAL IMPROVEMENT PROJECTS OVER CSX TRANSPORTATION INC. RIGHTS OF WAY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") as owner and operator of the Hartsfield-Jackson Atlanta International Airport ("Airport"), to accommodate increasing air traffic and passenger traffic, has undertaken a major expansion of the Airport, including construction of the Consolidated Rental Car Facility ("CONRAC").

WHEREAS, the City wishes to construct two bridges crossing over the existing CSX Transportation, Inc. ("CSXT") right of way parallel to Roosevelt Highway in College Park, Georgia, one for the purpose of carrying an Automated People Mover ("APM") system for passengers and the other for carrying an Airport Access Roadway for vehicles, to connect CONRAC to the main Airport facilities.

WHEREAS, the City entered into an agreement with Hartsfield Transportation Group ("HTG") for engineering design services for the APM Guideway project and the Airport Access Roadway project ("Projects") and, through previous agreements, CSXT has reviewed and approved the design of the Projects which cross or impact CSXT Rights of Way; and

WHEREAS, based on the approval of the Projects by CSXT, the City intends to commence construction of such Projects, including, but not limited to, the following:

- 1. The CONRAC APM; and
- 2. The CONRAC Access Roadway.

WHEREAS, CSXT requires the execution of a separate Construction Agreement ("Agreement") with the City prior to construction of the Projects that cross or impact CSXT Rights of Way, such Agreements specifying the terms and conditions for the activities of City contractors within or above the CSXT Rights of Way; and

WHEREAS, by approving the construction of the Projects, CSXT agrees to grant the City permanent easements over and within its Rights of Way for operation and maintenance of the City facilities.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute an Agreement with CSXT relating to the construction of the Projects, and to execute and/or accept permanent Easements in CSXT's rights of way and for the maintenance of City facilities.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare the Agreement and any permanent Easements for execution by the Mayor.

BE IT FINALLY RESOLVED, that this Agreement and any permanent Easements requiring the Mayor's signature will not become binding on the City and the City will incur no obligation or liability under them until they have been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to CSX.



